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10 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

11 VINCENT SEWELL, Patricia A. Sewell, and
12 Sober Solutions Transitional Housing, LLC,
et al,

13 Plaintiff,

14 v.

15 ROSEMARY A. HIBBLER a/k/a Rosemary
16 Pargoud a/k/a Rosemary Barnes dba Sober
Solutions and or dba Sober Solutions
17 Transitional Housing, or dba N-Side Out

18 Defendant..

NO.: 15-2-15975-5 KNT

DEFAULT JUDGMENT
(PROPOSED)

(CLERK'S ACTION REQUIRED)

19
20 **JUDGMENT SUMMARY**

21 Judgment Creditor: VINCENT SEWELL, Patricia A. Sewell, and Sober
Solutions Transitional Housing, LLC, et al,

22 Attorney for Judgment Creditor: BRIDGET BOURGETTE SHAW, OF COUNSEL
23 BARRAZA LAW, PLLC

24 Judgment Debtor: ROSEMARY A. HIBBLER a/k/a Rosemary Pargoud
25 a/k/a Rosemary Barnes dba Sober Solutions and or dba
Sober Solutions Transitional Housing, or dba N-Side Out

26 Principal Amount: \$200,000.00

27 ORDER OF DEFAULT JUDGMENT Page 1 of 3

28
JUDGE VERONICA GALVÁN
King County Superior Court, Dept. 21
401 Fourth Ave N, 2D
Kent, WA 98032
(206) 477-1453

1 Interest to Date of Judgment: \$
2 Cost - Filing Fees: \$ 386.00
3 Attorney's Fees: \$ 26,500.00
4 (\$25,000 plus \$1500 previously ordered)
5 TOTAL JUDGMENT: \$ 226,886.00

6 Post Judgment interest accrues at the rate of 12.00% per annum on the total judgment.

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs shall have
8 judgment against the defendant, ROSEMARY A. HIBBLER, for the sum of \$200,000.00
9 together with interest to date in the sum of \$_____, together with plaintiff's costs
10 of \$386.00 and the sum of \$26,500.00 attorney's fees (\$25,000 plus \$1500 previously
11 ordered) , and said Judgment shall bear interest at 12% per annum.
12

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED as follows:

14 That N-Side Out, UBI No. 603-395-461, a Washington non-profit corporation is
15 hereby dissolved. The Washington Secretary of State, Corporations Division and the
16 Washington Department of Revenue, and all other applicable state agencies shall take all
17 necessary steps to immediately dissolve and complete said dissolution process. Any costs or
18 taxes shall be the responsibility of Defendant Hibbler. Said agencies shall seek taxes or other
19 liabilities as a result of the dissolution from Defendant directly.
20

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED as follows:

22 That Defendant is permanently enjoined from using the SOBER SOLUTIONS name and
23 trademark for her business, website, or in other related displays or media;

24 ENTERED this 27 day of January, 2017, at Kent, Washington.
25

26 JUDGE/COURT COMMISSIONER

27 ORDER OF DEFAULT JUDGMENT Page 2 of 3
28

JUDGE VERONICA GALVÁN
King County Superior Court, Dept. 21
401 Fourth Ave N, 2D
Kent, WA 98032
(206) 477-1453

1
2 Presented by:
3 /s/ Bridget Bourgette Shaw
4 Bridget B. Shaw, Of Counsel
5 Barraza Law, PLLC
6 WSBA 28850
7 Attorney for Plaintiff
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10 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

11 VINCENT SEWELL, Patricia A. Sewell, and
12 Sober Solutions Transitional Housing, LLC,
et al,

13 Plaintiff,

14 v.

15 ROSEMARY A. HIBBLER a/k/a Rosemary
16 Pargoud a/k/a Rosemary Barnes dba Sober
Solutions and or dba Sober Solutions
17 Transitional Housing, or dba N-Side Out

18 Defendant.

NO.: 15-2-15975-5 KNT

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

19 This matter came before the Court on Plaintiff's motion for entry of default judgment against
20 Defendant Rosemary A. Hibbler a/k/a Rosemary Pargoud a/k/a Rosemary Barnes dba Sober Solutions
21 and/or dba Sober Solutions Transitional Housing, and/or dba N-Side Out. Plaintiff's claims against
22 Defendants are stated in the complaint that was filed with the Court on July 01, 2015. Those claims are
23 as follows:
24

25 1) For Common Law Trade Name Infringement;

26 2) For Tortious Interference with Business Expectancy;

27 FINDINGS OF FACT AND CONCLUSIONS OF LAW
Page 1 of 18
28

JUDGE VERONICA GALVÁN
King County Superior Court, Dept. 21
401 Fourth Ave N, 2D
Kent, WA 98032
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1 3) For Common Law Fraud; and

2 4) For Unjust Enrichment.

3 Notwithstanding Plaintiff's demands, Defendant has not complied pursuant to Court Order.

4 On July 01, 2015, Defendant was personally served with the summons and complaint and Order
5 Setting Civil Case Schedule. The summons personally served upon Defendant clearly stated that an
6 answer was due within 20 days of service. Defendant failed to answer, appear, or otherwise defend this
7 action within 20-days following the date of service.

8 On September 15, 2015, upon motion filed by the Plaintiff, the Court entered an Order of Default
9 against Defendant Rosemary A. Hibbler a/s/a Rosemary Pargoud a/k/a Rosemary Barnes d/b/a/ Sober
10 Solutions and/or d/b/a Sober Solutions Transitional Housing. The order states that a default judgment
11 may be presented for entry without further notice to Defendants.

12 On January 16, 2016 Plaintiffs Vincent Sewell, Patricia Sewell and Sober Solutions Transitional
13 Housing Serviced filed a Motion for a Preliminary Injunction enjoining Defendant Rosemary A. Hibbler
14 a/k/a Rosemary Pargoud a/k/a Rosemary Barnes d/b/a/ Sober Solutions and/or d/b/a Sober Solutions
15 Transitional Housing from infringing on Plaintiff's trademark rights.

16 On February 01, 2016 a court Order Granting Plaintiff's Motion for a Preliminary Injunction was
17 entered to:

18 1) Preliminarily enjoined Defendant from using the Sober Solutions trade name and mark for
19 her business, website, or in other related displays until this litigation is resolved;

20 2) require Defendant to assign the state trademark number 57517 to Vincent Sewell within 14
21 days of the order;

1 3) If defendant failed to assign the trademark to Vincent Sewell pursuant to the order Court may
2 enter an appropriate order upon hearing and declaration of counsel assigning trademark number 57517
3 to the Plaintiff.

4 On July 15, 2016 Plaintiff's filed a Motion for Supplemental Relief Pursuant to Previous Order
5 and Injunctive Relief and moved the Court for an order granting Motion for Injunction, seeking
6 permanent injunctive relief from continued infringement of trademark SOBER SOLUTIONS
7 transitional housing, and requesting the Court order the Washington Secretary of State to assign the
8 trademark number 57417 to Vincent Sewell. Plaintiff further moved the Court to award an attachment
9 for contempt against Defendant for willfully disobeying the Court Order entered February 1, 2016 and to
10 issue terms against the Defendant to pay plaintiffs' expenses as a result of having to bring a motion to
11 enforce the Court's prior Order.
12

13 On July 15, 2016 a Court Order was granted for a Motion for Supplemental and enforcing
14 injunctive relief as follows:
15

16 1) Defendant Rosemary A. Hibbler a/k/a Rosemary Pargoud a/k/a Rosemary Barnes dba Sober
17 Solutions and or dba Sober Solutions Transitional Housing, or dba N-Side Out ("Defendant") must
18 comply with the Order entered February 1, 2016, and must permanently dissolve N-Side Out;

19 2) Defendant is permanently enjoined from using the SOBER SOLUTIONS mark for her
20 business, website, or in other related displays or media;

21 3) Defendant Rosemary A. Hibbler a/k/a Rosemary Pargoud a/k/a Rosemary Barnes dba Sober
22 Solutions and/or dba Sober Solutions Transitional Housing, and/or dba N-Side Out is hereby held in
23 contempt for violating the Court's order and law enforcement shall be used to enforce this Order;
24

25 4) Fees are awarded against Defendant in the amount of \$1500 for having to bring this Motion to
26 enforce the Order. A payment shall be made to Vincent Sewell in c/o Barraza Law, PLLC, and

1 delivered to Barraza Law, PLLC, 14245-F Ambaum Blvd SW, Burien, WA 98166, within 7 days of the
2 date of this Order;

3 5) It is further ordered that the Washington Secretary of State immediately assign said trademark
4 number 57517 to Vincent Sewell or take other action as appropriate.
5

6 On August 4, 2016, the Washington Secretary of State assigned said trademark number 57517
7 and issued a new Certificate as appropriate per Court Order.

8 Upon motion of Plaintiff for entry of default judgment; based on the pleadings and papers
9 filed herein, the Court's previous Order of Default, and the sworn declaration of Vincent Sewell, the
10 Court makes the following findings of fact.

11 **I. FINDINGS OF FACT**

12 1) Pursuant to RCW 2.08.010, the Superior Court of Washington has personal and subject
13 matter jurisdiction over this case.
14

15 2) Pursuant to RCW 4.12.010. and/or RCW 4.12.020, King County, Washington, constitutes
16 the proper venue for this action as the wrongful acts occurred and continue to occur primarily in King
17 County, Washington.

18 3) Vincent K. Sewell founded Sober Solutions in September of 2010. Sober Solutions was
19 incorporated on November 2, 2010 as "Sober Solutions Transitional Housing Services, LLC" under
20 Washington UBI 603061446. Vincent Sewell founded Sober Solutions to provide homeless veterans and
21 formerly incarcerated addicts a transitional residential-living environment in which individuals live
22 together as a single family housekeeping unit with common cooking facilities. At that time, Vincent
23 transferred the title of all three of the rental properties he owns to Sober Solutions Transitional Housing
24 Services, LLC. Vincent is the sole owner of the limited liability corporation and it remains active.
25
26

1 4) Patricia Sewell, Vincent's mother, leased most of the rental units she owns to Vincent.
2 Although Patricia does not have a legal interest in the corporation, she remains heavily involved in the
3 day-to-day operations of Sober Solutions in its various iterations. Patricia and Vincent Sewell have
4 authorized each other to act as his or her respective agent. This Complaint refers to them as the
5 "Sewells."
6

7 5) Vincent Sewell created and has exclusively and continuously owned and utilized the
8 "Sober Solutions" trade name since at least September of 2010. In addition to forming Sober Solutions
9 Transitional Housing Services, LLC as a legal entity to operate Sober Solutions, Vincent opened Sober
10 Solutions, a nonprofit corporation, under UBI 603286597, in March of 2013 and dissolved it on March
11 31, 2014.

12 6) In March of 2014, Vincent founded Sober Solutions Transitional Housing, a nonprofit
13 corporation under UBI 603395461. Vincent was listed as the President in the Articles of Incorporation
14 and the only initial director. At incorporation and pursuant to the amended articles of incorporation, the
15 initial board of directors included Vincent Sewell, President; Amelia Williams (Sewell); Patricia Sewell,
16 Chair Person; and June Lu (who subsequently resigned). Vincent and Pat Sewell
17 indicated an initial capital contribution of \$250,000 each consisting of their respective investments in
18 developing the brand and housing over the course of the four years leading up to the formation of the
19 non-profit. As of November 25, 2014, the IRS recognized Vincent as the sole corporate member of
20 Sober Solutions Transitional Housing.
21

22 7) From 2010 forward, Vincent Sewell continuously and exclusively used the Sober Solutions
23 trade name in corporate names; correspondence; letterhead; signage; brochures; invoices; receipts;
24 websites; email addresses; contracts with third-parties; advertising; media communications; client
25 agreements, applications, contracts, rules, regulations, communications, and correspondence; utility billing;
26

1 property titles, (for Vincent Sewell's properties); banking; and federal, state, and local government
2 communications and licensure. All three Sober Solutions entities reflected in Washington records,
3 including Sober Solutions Transitional Housing Services, LLC, Sober Solutions, and Sober Solutions
4 Transitional Housing, were established by Vincent Sewell.

5
6 8) In September of 2013, Defendant Vincent Sewell contracted Plaintiff Rosemary Hibbler
7 to serve as an independent contractor providing services for Sober Solutions. At that time, Sober Solutions
8 operated as Sober Solutions Transitional Housing Services, LLC, under Washington UBI 603061446.
9 When Vincent founded the nonprofit Sober Solutions Transitional Housing, he appointed Rosemary Hibbler
10 as executive director. Vincent Sewell terminated Ms. Hibbler's contract by letter dated December 23, 2014.

11 9) Sober Solutions in its three legal iterations always endeavored to serve persons with
12 criminal histories. Thus, it was no surprise to the Sewells that Ms. Hibbler had served time in prison for
13 theft. The Sewells conducted reference checks and received a positive reference from an employee of
14 the Department of Corrections. However, Ms. Hibbler failed to disclose that she had been convicted of
15 three felony counts of forgery and four felony counts of theft. Defendant Hibbler was sentenced to 43
16 months in prison and was released in June 2013. See Pierce County Superior Court Cause Nos 09-1-
17 03816-5 and 09-1-03815-7 verifying her felony convictions.

18
19 10) In December of 2013, Ms. Hibbler acknowledged her limited role as Program Director
20 for Sober Solutions Transitional Housing.

21 11) The Sewells have used the website sobersolutionshousing.com since 2010. In September
22 of 2014, Rosemary Hibbler convinced the Sewells to authorize her to purchase a new website domain
23 for sobersolutionshousing.org. Ms. Hibbler utilized funds belonging to the Plaintiffs to purchase the
24 web domain sobersolutionshousing.org. Ms. Hibbler continued to use the web domain
25

1 sobersolutionshousing.org even after Vincent Sewell terminated her affiliation with Sober Solutions on
2 or about December 23, 2014.

3 12) In an email message, dated November 13, 2014, Rosemary Hibbler acknowledged
4 Vincent Sewell as Chairman, Patricia Sewell as Treasurer, and Amelia Williams as Secretary of the
5 Board of Directors of Sober Solutions Transitional Housing. On November 24, 2014, Ms. Hibbler
6 emailed the Sewells and Ameila Williams and requested a meeting of the Board to make some
7 operational decisions.
8

9 13) Throughout 2014, the Sewells financial situation worsened due to high vacancy rates. As
10 a result of a sharp decline in revenue under Ms. Hibbler's watch, Patricia Sewell was forced to re-open
11 her Chapter 11 bankruptcy to save her properties from foreclosure.

12 14) On December 5, 2014, Rosemary Hibbler sent an email to the Sewells stating that she was
13 "financially prepared to meet the immediate needs required to satisfy Washington Federal in order to
14 obtain the use of 2301 F Street." That same day, Rosemary Hibbler sent another email to the Sewells
15 stating that she "would like to discuss having the opportunity to Master Lease the following: 1734 S 82nd
16 St, 1736 S 82nd St, 905 18th St, 925 18th St, 19 F St, 2301 F St, 537 37th St. I would also like to keep the
17 Sober Solutions name. With that, I would like to discuss purchasing the Sober Solutions Program."
18 Defendant sent the Sewells a third email that day informing them that she "would also like to include 2410
19 N St units. A, C, D as well as 2406".
20

21 15) In response, on December 12, 2014, the Sewells met with Rosemary Hibbler about leasing
22 their properties. On December 13, 2014, Ms. Hibbler sent an email to the Sewells stating, "I have attached
23 the draft for master lease agreements for the buildings only. I have not received the other drafts from
24 attorney. I will forward when I receive. We are submitting a separate agreement for the operation of Sober
25
26

1 Solutions non-profit. I also need to get a signed contract which outlines the scope of (sic) to be performed
2 by me for the remainder of the year."

3 16) In December of 2014, the Sewells' accountant, Patrick J. Halligan, identified a pattern of
4 financial discrepancies indicating that Ms. Hibbler misappropriated funds from the bank accounts that
5 she managed for Sober Solutions Transitional Housing; including a failure to pay taxes, mortgages,
6 contractors, and utility bills. By letter dated December 23, 2014, Vincent Sewell terminated Rosemary
7 Hibbler's relationship with Sober Solutions. On or about December 24, 2014, Auburn, Washington
8 police escorted Rosemary Hibbler from the Sewells property. That same month, the Federal Way Police
9 Department initiated an investigation of Ms. Hibbler. Although the Federal Way Police declined to
10 prosecute the case, the Sewells believe that at least \$116,000 in checks plus an unknown amount of
11 unauthorized cash was mis-appropriated from Sober Solutions by Rosemary Hibbler. Mr. Halligan
12 subsequently reported Ms. Hibbler to the Internal Revenue Service in January of 2015.

14 17) On or about December 8, 2014, Ms. Hibbler applied for a Washington trademark for the
15 name "Sober Solutions." On December 9, 2014, the Washington Secretary of State issued trademark
16 57517 to Rosemary Hibbler based on her representation that she had first used it beginning in November
17 of 2012. Ms. Hibbler had no relationship with the Sewells or Sober Solutions until September of 2013.
18 Indeed, all of the materials she submitted in support of her trademark application belonged to the
19 Sewells and were misrepresented as materials she utilized in trade.

21 18) The Board of Directors of Sober Solutions Transitional Housing, including Vincent Sewell,
22 Patricia Sewell, Amelia Williams, never authorized Ms. Hibbler to apply for a state or federal trademark on
23 behalf Sober Solutions Transitional Housing nor licensed the name to her for use or registration. Nor did
24 Vincent Sewell authorize Ms. Hibbler to apply for a state or federal trademark under the name Sober
25 Solutions, or ever license the name to her for use or registration.

1 19) On December 16, 2014, Rosemary Hibbler made unauthorized changes to Patricia
2 Sewell's City of Tacoma business licenses when she executed a City of Tacoma Application for
3 Certificate of Registration and Licensing wherein she characterized the name of the LLC as Sober
4 Solutions LLC operating under UBI 603395461 and located at 1736 S. 82nd Street in Tacoma,
5 Washington. Technically, the name of the corporation operating as UBI 60339546 is Sober Solutions
6 Transitional Housing. Neither Patricia Sewell, who owns 1736 S. 82nd Street in Tacoma, Washington,
7 nor the Board of Directors of Sober Solutions Transitional Housing authorized Rosemary Hibbler to
8 apply for a business license in Tacoma.
9

10 20) Also on December 16, 2014, the Sewells had a conversation with officials from Catholic
11 Community Services ("CCS") officials regarding a partnership between Catholic Community Services'
12 Housing & Essential Needs program ("HEN") and Sober Solutions. On December 18, 2014, Rosemary
13 Hibbler wrote a letter to Catholic Community Services, asserting the following:
14

15 We have recently discovered that your business is accepting documentation for
16 housing from Kenneth Moultry using the mark Sober Solutions Transitional Housing.

17 Kenneth Moultry is not authorized to sign on behalf of Sober Solutions or make
18 decisions in regard to Sober Solutions. Any documentation received on behalf of Sober
19 Solutions Transitional Housing should bear the signature of Rosemary Hibbler only.

20 Rosemary Hibbler is the only authorized individual to sign for your service or
21 product for Sober Solutions Transitional Housing.

22 Payments for individuals on the Hen program should be forwarded to 1402 Auburn
23 Way N # 303 Auburn, Washington 98002.

24 We believe we have the exclusive right to use this trademark for the following
25 reasons:

26 1. We have registered Sober Solutions with the Washington State Trademark
27 Office, Register No. 57517 on December 8, 2014.

28 While the purpose of this letter is to open a dialogue between us, please be advised
that we are prepared to take all actions necessary to protect our mark. If you have
questions about this letter, please feel free to contact me.

1
2 Ms. Hibbler attached a copy of the Secretary of State Certificate number 57517 that had been issued on
3 December 8, 2014 purportedly granting her a state trademark for Sober Solutions. As a result of the
4 confusion, Catholic Community Services cancelled a tour that had been scheduled for January 5, 2015 for
5 possibly relocating approximately 20 residents from a CCS facility that was closing. While CCS ultimately
6 moved forward with its partnership with Sober Solutions in the spring of 2015, Sober Solutions lost the
7 opportunity to house the 20 individuals and potential placements between December of 2014 and the
8 Spring of 2015.
9

10 21) On or about December 22, 2014, Rosemary Hibbler filed a Trademark/Service Mark
11 Application with the United States Patent and Trademark Office (serial number 86487949) purporting to
12 register the mark "Sober Solutions." Ms. Hibbler identified herself as the owner of the trademark and
13 listed the legal entity (e.g. herself) as a corporation, declaring:
14

15 The signatory believes that: if the applicant is filing the application under 15
16 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service
17 mark sought to be registered; the applicant or the applicant's related company
18 or licensee is using the mark in commerce on or in connection with the goods/
19 services in the application, and such use by the applicant's related company or
20 licensee inures to the benefit of the applicant; the specimen(s) shows the mark
21 as used on or in connection with the goods/services in the application; and/or if
22 the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d),
23 and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the
24 applicant has a bona fide intention to use or use through the applicant's related
25 company or licensee the mark in commerce on or in connection with the goods/
26 services in the application. The signatory believes that to the best of the signatory's
knowledge and belief, no other person has the right to use the mark in commerce,
either in the identical form or in such near resemblance as to be likely, when used
on or in connection with the goods/services of such other person, to cause confusion
or mistake, or to deceive. The signatory being warned that willful false statements
and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section
1001, and that such willful false statements and the like may jeopardize the validity
of the application or any registration resulting therefrom, declares that all statements
made of his/her own knowledge are true and all statements made on information and
belief are believed to be true.

Signature: /Rosemary Hibbler/ Date Signed: 12/22/2014
Signatory's Name: Rosemary Hibbler
Signatory's Position: Owner

22) Following her termination on December 23, 2014, Rosemary Hibbler attempted to convince Puget Sound Energy to disconnect electrical service for approximately forty-five units, and began threatening third-parties with whom the Sewells had contractual relationships. Although Ms. Hibbler never owned anything related to Sober Solutions, Sober Solutions Transitional Housing Services, LLC or Sober Solutions Transitional Housing, she publicly and wrongfully assumed control of Sober Solutions Transitional Housing.

23) On December 23, 2014, Ms. Hibbler contacted the Sewell's insurance agent regarding cancellation of their insurance for all of the properties and stated,

Good Afternoon Nancy,

Effective immediately, please remove all Patricia Sewells and Vincent Sewells properties from the Sober Solutions insurance contract that I entered.

Under no circumstances are Patricia Sewell and or Vincent Sewell to make changes to the policy that covers the program under the name Sober Solutions.

Rosemary Hibbler
Executive Director
Sober Solutions

24) Amelia Williams, Vincent's sister and Patricia's daughter, opened a Sprint cellular telephone account for use by Vincent Sewell and Patricia Sewell. On November 2, 2010 the Sewells opened and established the telephone number 253-344-8366 for the purpose of his business Sober Solutions. Upon her termination, Hibbler failed to return the mobile devices opened and used for the purpose of Sober Solutions Transitional Housing. On December 26, 2014, Amelia Williams reported the telephone and tablet as stolen. Ms. Hibbler then accused Amelia Williams of "burglary" of the phone, number and equipment related to 253-344-8366 in an effort to seize control of the phone

1 number and related equipment. Ms. Hibbler utilized the phone number on her advertising after her
2 termination.

3 25) Notwithstanding her termination on December 23, 2014, Ms. Hibbler sent a letter
4 dated December 22, 2014 to Vincent Sewell and his contract web designer demanding that they
5 "cease and desist" using the Sober Solutions name.
6

7 26) On December 26, 2014, Ms. Hibbler submitted a "Nonprofit Corporation Amended
8 Annual Report" to the Washington Secretary of State changing the Board of Directors of Sober
9 Solutions Transitional Housing from Vincent Sewell, Amelia Williams, and June Lu to Rosemary
10 Hibbler, Christopher Gomez, and Rosa Remedios. The actual Board of Directors of Sober Solutions
11 Transitional Housing never authorized this amendment.

12 27) On December 26, 2014, Rosemary Hibbler sued Vincent Sewell and Patricia Sewell in
13 King County District Court small claims court for items they allegedly failed to return to Hibbler. The
14 Small Claims Court denied Hibbler's claim and dismissed her case on February 11, 2015.
15

16 28) On December 29, 2014, Rosemary Hibbler and "Sober Solutions" filed a federal lawsuit
17 against Vincent Sewell, Patricia Sewell, Amelia Williams (Vincent Sewell's sister and Patricia Sewell's
18 daughter), and Kenneth Moultry (site leader (contract manager) for the Sewells' Sober Solutions program
19 at that time), for trademark infringement and moved the court to issue a temporary restraining order
20 ("TRO") barring them from using the Sober Solutions name. On January 20, 2015, the federal court
21 Ordered Hibbler to provide proof of service of the TRO. When Hibbler failed to comply with the
22 Court's January 20, 2015 order, it denied Hibbler's motion for a temporary restraining order on January
23 30, 2015. After again denying a second TRO motion filed by Hibbler, the Court ultimately granted the
24 Sewell's Motion to Dismiss on April 9, 2015. In her April 9, 2015 Order, United States District Judge
25
26

1 Marsha J. Pachman granted the Sewells' Motion to Dismiss as to Ms. Hibbler's federal trademark
2 infringement claim with prejudice and declined to exercise jurisdiction over Ms. Hibbler's remaining
3 state law claims against the Sewells and dismissed Hibbler's state law claims without prejudice.
4 Throughout the Sewell' defense, they consistently asserted that they are the true owners of the Sober
5 Solutions name and put Hibbler on notice of this fact.
6

7 29) On January 23, 2015, someone acting on behalf of Hibbler contacted George Brummell of
8 George Brummel Counseling, a business partner of the Sewells, and informed him that the Sewells had
9 been sued and "that to operate under Sober Solutions would be against the law." .

10 30) On or around January 24, 2015, Rosemary Hibbler and/or agents acting on her behalf
11 visited all of the Sewell properties and posted notices stating;

12 ATTENTION RESIDENTS

13 SOBER SOLUTIONS ®

14 is a Federal and State registered trademark owned by

15 Rosemary Hibbler

16 Kenneth Moulrty is NOT a representative of

17 SOBER SOLUTIONS ® and SHOULD NOT use the name in any capacity

18 A FEDERAL LAWSUIT has been filed against Kenneth Moultry, Vincent Sewell, Patricia

19 Sewell and Amelia Williams for ILLEGAL use of the

20 SOBER SOLUTIONS ®brand.

21 There IS NOT an ongoing investigation against Rosemary Hibbler with the Federal Way
22 Police department. All accusations against Rosemary Hibbler are false and unfounded.
23
24
25
26

1 All documents distributed by Kenneth Moultry or ANY of his representatives using the
2 name SOBER SOLUTIONS ® in any capacity is ILLEGAL and FRAUDULENT.

3 Deryl Jones, Aubrey Mathis, Renae Bollard, Elizabeth Mannino, Robin (last name unknown),
4 Carl McMahon, Jeff Barrett and any other house managers, site managers, support staff
5 mentors, and or anyone under the employ and direction of Kenneth Moultry, Vincent Sewell,
6 Patricia Sewell and Amelia Williams using the name Sober Solutions does so ILLEGALLY
7 and FRAUDULENTLY.
8

9
10 31) On or about January 28, 2015, Rosemary Hibbler called one of the Sewell's
11 residents to ask that he serve as a site manager for her "Sober Solutions" program.

12 32) On February 2, 2015, Vincent Sewell learned that Rosemary Hibbler requested
13 a new user access for the Sewell's account with Labor and Industries ("L+I"). L+I rescinded
14 her access in response to Vincent Sewell's request. That same day, Rosemary Hibbler or
15 persons acting on her behalf posted "notices" on real property owned by the Sewells.
16

17 33) In February of 2015, Vincent Sewell filed a federal trademark application for
18 "Sober Solutions Transitional Housing Services" and a state trademark reservation for "Sober
19 Solutions Transitional Housing" and "Sober Solutions Transitional Housing Services, LLC."
20

21 34) On February 27, 2015, Vincent Sewell terminated Sober Solutions Transitional
22 Housing Services (EIN 90-0633298) tax exempt status with the Internal Revenue Service
23 effective December 31, 2014. According to the Washington Secretary of State, as of June 29,
24 2015, Rosemary Hibbler continues to operate "her" nonprofit as "Sober Solutions Transitional
25 Housing Services" as a tax exempt entity operating under EIN 90-0633298.
26

1 35) In or around April of 2015, Hibbler began renting 2302 0 St. NE, Auburn,
2 Washington to provide transitional housing under the Sober Solutions trade name. This
3 property is three buildings from the Sewells rental property located at 2212 0 St. NE, Auburn,
4 Washington.
5

6 36) In May of 2015, employees of ACE Cash Express contacted the Sewells to
7 question them about checks drawn on a bank account for Sober Solutions Transitional
8 Housing that apparently were returned for nonpayment. According to an email sent on May
9 22, 2015 from Kenneth W. Odum, Check Collections Specialist for ACE Cash Express to the
10 Sewells, Hibbler claimed:
11

12 [T]he reason she couldn't pay for the 2 outstanding checks, was because her
13 account had been compromised by your business, and had taken all the funds
14 available and closed the account. I asked her how that was possible? Since she
15 had to be the only one to approve that transaction? She said: because (sic) you
16 all share the same name, and everything was identical there was no problem to
17 do that & she is working closely with legal counsel regarding this matter. She
18 asked me to call back for more information after lunch, but when I called back,
19 it just went straight to voice mail. That's why I called (the Sewells) to validate
20 any of that 'Story' because it sounded kind of fishy.
21

22 37) On June 11, 2015, Rosemary Hibbler sent an email asserting that the Sewells
23 Sober Solutions garage sale fundraiser was unlawfully using the Sober Solutions trade name
24 because the trademark belongs to her.
25

26 38) According to internet website information for the Washington State Women
27 Veterans Advisory Committee as of June 4, 2015, Rosemary Hibbler serves on the Washington
28 State Women Veterans Advisory Committee as the program director of "Sober Solutions
Transitional Housing."

1 39) On June. 16, 2015, Rosemary Hibbler sent an email to the Washington
2 Department of Corrections requesting a meeting with the Superintendent of the Department
3 of Corrections to challenge the Department of Corrections' refusal to authorize her as an
4 eligible housing vendor under the Sober Solutions name. Her email, sent under the email tag
5 "Sober Solutions, sobersolutions2@gmail.com>" asserts, "I parted ways with Patricia Sewell,
6 Vincent Sewell and their Sober Solutions company ... and formed my own company ." Ms.
7 Hibbler closes her email by asserting that she is the "Executive Director" of "Sober Solutions
8 Supportive Services" with an internet web address of www.sobersolutionshousing.org. The
9 Department of Corrections is a major source of housing funding for the Sewells because they
10 house inmates upon their release from DOC facilities.

13 40) On June. 19, 2015, Hibbler sought an antiharassment order in King County
14 District Court against Patricia Sewell and Vincent Sewell. The Court refused to enter an
15 emergency order and set the matter over for hearing on July 1, 2015.

17 41) Defendant Rosemary A. Hibbler a/k/a Rosemary Pargoud a/k/a Rosemary Barnes is an
18 owner and as an original officer of N-Side Out, UBI 603-395-461, a Washington non-profit
19 corporation and the Defendant in this cause of action.

20 42) Defendant Hibbler failed to assign trademark 57517 to Vincent Sewell pursuant to Court
21 Order.

22 43) Upon failure of Defendant to comply with the Court Order, attorney for the Plaintiff
23 contacted the Washington Secretary of State requesting transfer of the assigned trademark number
24 57517 pursuant to Court Order.
25

1 44) On August 4, 2016, Washington Secretary of State assigned trademark number 57517 to
2 Sober Solutions Transitional Housing Services for Vincent Sewell pursuant Court Order.

3 45) Defendant Hibbler has failed to permanently dissolved N-Side Out pursuant to Court Order
4 Order entered July 15, 2016, and has violated the Court's order.

5 46) Defendant failed to make payment of \$1500.00 in fees awarded to Plaintiff per Court Order
6
7 Based on the above findings of fact, the Court makes the following conclusions of law

8 **II. CONCLUSIONS OF LAW**

9 1. Rosemary A. Hibbler a/k/a Rosemary Pargoud a/k/a Rosemary Barnes is an owner and as an
10 original officer of N-Side Out, a Washington non-profit corporation and the Defendant in this cause of
11 action and has a duty to comply with Court ordered action.

12 2. Defendant has failed and refused to cease or refrain from using the SOBER SOLUTIONS
13 mark for her business, website, or in other related displays or media;

14 3 Defendant has failed to permanently dissolve N-Side Out in violation of previous Court
15 Orders.

16 4. Defendant is liable for Common Law Trade Name Infringement.

17 5. Defendant is liable Tortious Interference with Business Expectancy.

18 6. Defendant is liable for Common Law Fraud.

19 7. Defendant has been unjustly enriched.

20
21 Plaintiffs have been damaged as result of defendant's violations Plaintiffs are entitled to a
22 judgement in the amount of 226,886.00.

23
24 Judgment should be entered in the amount of \$200,000.00, plus attorney fees and costs in the amount
25 of \$26,886.00 in favor of Plaintiff against Defendants on Plaintiff's claim that Defendants should be

1 liable for all costs and reasonable attorney fees and costs in prosecuting its case of action pursuant to
2 RCW 64.34.455.

3 DATED this 17 th day of January, 2017.

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6 
7 JUDGE/COURT COMMISSIONER
8
9

10 Presented by:
11 BARRAZA LAW, PLLC

12 /s/ Bridget Bourgette Shaw

13 _____
14 Vicente Omar Barraza, WSBA 43589
15 Bridget B. Shaw, Of Counsel, WSBA 28850
16 Attorney for Plaintiffs
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SUPERIOR COURT OF THE STATE OF WASHINGTON, KING COUNTY
VINCENT SEWELL, et al, v. ROSEMARY HIBBLER
CAUSE NO.: 15-2-15975-5 KNT

Itemized list for the amount requested in the FFCL and default judgement.

AMOUNT

Settlement and attorney costs, etc. that I had to pay for Rosemary misappropriating insurance funds due to construction contractor	\$15,000.00
Costs related to resolving trademark dispute	\$2,600.00
Attorney fees Pat Sewell paid to Barraza Law, PLLC, Grass Law, and Shaw Law Group, P.L.L.C. related to this action and to defend frivolous federal lawsuit, small claims action, and restraining order	\$26,500.00
Attorney's fees paid by Vincent Sewell to Barraza Law PLLC to attempt to negotiate a resolution of mortgage arrears caused by misappropriation of funds and to file Chapter 13 bankruptcy	\$4,192.00
Attorney's fees paid to Matt Iwama for Pat Sewell BK	\$25,000.00
Vincent Sewell Chapter 11 court and trustee fees	\$2,500.00
Patricia Sewell Chapter 11 court and trustee fees	\$2,500.00
Attorney's fees paid to Matt Iwama for Vincent Sewell BK	\$23,247.99
Lost revenue resulting from foreclosure of six-plex resulting from misappropriation of funds	\$100,000.00
Estimated lost rent revenues that Urban League, CSC HEN program, DOC, etc. paid to Rosemary Hibbler's "Sober Solutions" due to confusion with stolen identity over three plus years.	\$50,000
Share of accountant costs attributable to forensic accounting to investigate misappropriated funds	\$25,000
Unauthorized payroll to Rosemary Hibbler in the amount of \$116,000 in the year 2013 and 2014, diverting suspected \$15,000 rental deposits to herself, paying out \$52,000 to family and friends, \$10,000 unauthorized travel and related expenses, \$175,000 unaccounted cash related, \$25,000 unauthorized pay for workers and unsupported material costs. See attached declarations from former CPA Patrick Halligan	\$393,000.00